

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

DOUGLAS M. LOY)
Plaintiff,)
v.) Civil Action No.
THE DIOCESE OF ARLINGTON et al) 1:18-cv-1162-LO/JFA
Defendants.)

)

PLAINTIFF'S OBJECTIONS TO DEFENDANT'S PRETRIAL DISCLOSURES

Plaintiff Douglas Loy, through counsel, hereby submits the following objection to Defendant's Proposed Exhibits.

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
1	Plaintiff's contract of employment signed April 25, 2017.	No objection
2	Plaintiff's contract of employment signed May 9, 2016.	No objection
3	Plaintiff's contract of employment signed April 30, 2015.	No objection
4	Catholic Diocese of Arlington Employee Policy Manual dated August 1, 2017.	No objection
5	St. Agnes Faculty Handbook dated 2017-2018.	No objection
6	Email from Loy to multiple recipients and exchanges, June 6-7, 2016.	Hearsay; Authenticity
7	Plaintiff's personal statement submitted with application for employment.	Hearsay; Incomplete document, Relevancy
8	Plaintiff's request to renew Advanced Catechist Certification dated April 4, 2016.	No objection
9	Plaintiff's Advanced Catechist Certification issued April 4, 2016.	No objection
10	Goal Setting Process document dated 2009-2010.	Hearsay
11	Goal Setting Process document dated 2010-2011.	Hearsay
12	Goal Setting Process document dated 2011-2012.	Hearsay
13	Goal Setting Process document dated 2012-2013.	Hearsay

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
14	Goal Setting Process document dated 2013-2014.	Hearsay
15	Goal Setting Process document dated 2014-2015.	Hearsay
16	Goal Setting Process document dated 2015-2016.	Hearsay
17	Goal Setting Process document dated 2016-2017.	Hearsay
18	St. Agnes School Grade 8 Composition Book of student in Loy's religion class.	Hearsay; Relevancy; Not produced during discovery period
19	Virginia Catholic Education Association Bachelor of Arts dated July 6, 2017.	No objection
20	Living Stations Class of 2015 photograph.	Exhibit not clear as produced
21	Stations Experiential by D. Michael Loy.	Lack of foundation
22	Teaching Chart by plaintiff Loy.	Relevancy
23	The 5 Identifiers of Civilization utilized by plaintiff Loy for classes including religion class.	Hearsay; Lack of foundation
24	Email dated October 18, 2013 from plaintiff to Assistant Principal with course syllabus.	Lack of foundation; Hearsay; Authenticity
25	7 th Grade History syllabus.	No objection
26	8 th Grade History syllabus.	No objection
27	8 th Grade Religion class syllabus.	No objection
28	8 th Grade Religion syllabus.	No objection
29	8 th Grade Religion syllabus.	No objection
30	Teaching tool developed by plaintiff Loy.	Lack of foundation
31	Photograph of Loy's classroom, room 238.	Exhibit not clear as produced
32	Loy's schedule last year of employment.	No objection
33	Open house and other documents.	Hearsay; Relevancy; Lack of foundation; Not produced during discovery period
34	Loy's prepared Christian Professional Formation Standards and other topics.	Hearsay; Relevancy; Lack of foundation; Document is unreadable
35	Email from Loy to full staff dated April 24, 2017.	Lack of foundation; Hearsay; Authenticity
36	Email exchanges May 26-30, 2017.	Lack of foundation; Hearsay; Authenticity
37	Email exchanges February 1-2, 2017.	Lack of foundation; Hearsay; Authenticity

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
38	Email from Loy to Ms. Carr dated February 24, 2017.	Lack of foundation; Hearsay; Authenticity
39	Email exchanges March 22-23, 2017.	Lack of foundation; Hearsay; Authenticity
40	Email from Loy to full staff dated April 11, 2017.	Lack of foundation; Hearsay; Authenticity
41	Email communication from Loy to Ms. Carr dated September 18, 2017.	Lack of foundation; Hearsay; Authenticity
42	Email exchange between Ian Handerhan and Douglas Loy dated June 26, 2017.	Lack of foundation; Hearsay; Authenticity
43	Emails exchanged between Loy and Kuzdzal dated September 4, 2017.	Lack of foundation; Hearsay; Authenticity
44	Email from Ms. Carr to Loy dated September 4, 2017.	Lack of foundation; Hearsay; Authenticity
45	Emails exchanged September 4-6, 2017.	Lack of foundation; Hearsay; Authenticity
46	Email from Bournigal to Carr, September 18, 2017.	Lack of foundation; Hearsay; Authenticity
47	Email from Loy to Ms. Carr dated September 18, 2017.	Lack of foundation; Hearsay; Authenticity
48	Email from Loy to Ms. Carr and Ms. Kuzdzal dated September 19, 2017.	Lack of foundation; Hearsay; Authenticity
49	Email from Loy to Ms. Carr and Ms. Kuzdzal dated September 19, 2017.	Lack of foundation; Hearsay; Authenticity
50	Emails exchanged September 19, 2017.	Lack of foundation; Hearsay; Authenticity
51	Emails exchanged September 19, 2017.	Lack of foundation; Hearsay; Authenticity
52	Emails exchanged September 19, 2017.	Lack of foundation; Hearsay; Authenticity
53	Emails exchanged September 19-20, 2017.	Lack of foundation; Hearsay; Authenticity
54	Email from Loy to Kuzdzal dated September 20, 2017.	Lack of foundation; Hearsay; Authenticity
55	Email from Loy to Kuzdzal dated September 21, 2017.	Lack of foundation; Hearsay; Authenticity
56	Email from Loy to Carr and Kuzdzal dated September 26, 2017.	Lack of foundation; Hearsay; Authenticity
57	Email from Loy to Carr and Kuzdzal dated September 26, 2017.	Lack of foundation; Hearsay; Authenticity
58	Email from Loy to Carr and Kuzdzal dated September 26, 2017.	Lack of foundation; Hearsay; Authenticity
59	Emails exchanged September 26, 2017.	Lack of foundation; Hearsay; Authenticity

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
60	Emails exchanged September 26-27, 2017.	Lack of foundation; Hearsay; Authenticity
61	Emails exchanged September 27, 2017.	Lack of foundation; Hearsay; Authenticity
62	Emails exchanged September 28, 2017.	Lack of foundation; Hearsay; Authenticity
63	Email from Loy to Kuzdzal dated September 28, 2017.	Lack of foundation; Hearsay; Authenticity
64	Email from Carr to pastor dated September 28, 2017.	Lack of foundation; Hearsay; Authenticity
65	Emails exchanged September 27-28, 2017.	Lack of foundation; Hearsay; Authenticity
66	Emails exchanged October 10, 2017.	Lack of foundation; Hearsay; Authenticity
67	Emails exchanged October 18-19, 2017.	Lack of foundation; Hearsay; Authenticity
68	Emails exchanged October 17-18, 2016.	Lack of foundation; Hearsay; Authenticity
69	Emails exchanged October 31-November 1, 2017.	Lack of foundation; Hearsay; Authenticity
70	Email from Loy to Carr dated November 1, 2017.	Lack of foundation; Hearsay; Authenticity
71	Email from Loy to Carr and Kuzdzal, October 18, 2017 with Carr's notes.	Lack of foundation; Hearsay; Authenticity; Illegible
72	Email from Dave Gallina to Kuzdzal, November 16, 2018.	Lack of foundation; Hearsay; Authenticity; Relevancy
73	Carr's notes related to May 19, 2012 meeting with Loy.	Lack of foundation; Hearsay; Authenticity; Illegible
74	Email from Sara James to Carr and Kuzdzal, September 13, 2012.	Lack of foundation; Hearsay; Authenticity
75	Carr's notes from September 22, 2017 meeting with Loy.	Lack of foundation; Hearsay; Authenticity; Illegible
76	Carr's notes from September 26, 2017 telephone call.	Lack of foundation; Hearsay; Authenticity; Illegible
77	Carr's notes from September 29, 2017 re: Loy's meeting with pastor.	Lack of foundation; Hearsay; Authenticity; Illegible

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
78	Carr's notes from January 16, 2018 related to Loy's communications to Carr.	Lack of foundation; Hearsay; Authenticity; Illegible
79	Carr's notes from February 1, 2018 related to meeting with Loy.	Lack of foundation; Hearsay; Authenticity; Illegible
80	Emails exchanged November 1, 2017.	Lack of foundation; Hearsay; Authenticity
81	Letter from Claire Bournigal to Ms. Carr dated November 2017.	Hearsay
82	Email from Heidi Capelli to Ms. Carr dated November 8, 2017.	Lack of foundation; Hearsay; Authenticity
83	Emails exchanged November 27-28, 2017.	Lack of foundation; Hearsay; Authenticity
84	Emails exchanged November 30, December 4, 2017.	Lack of foundation; Hearsay; Authenticity
85	Emails exchanged December 13, 2017.	Lack of foundation; Hearsay; Authenticity
86	Emails exchanged December 13, 2017.	Lack of foundation; Hearsay; Authenticity
87	Email from Father Edlefsen to full staff dated January 10, 2018.	No objection
88	Email from Ms. Carr to Loy dated January 18, 2018.	Lack of foundation; Hearsay; Authenticity
89	Email exchanges February 13-14, 2018 with attachments.	No objection
90	Emails exchanged January 18-19, 2018.	Lack of foundation; Hearsay; Authenticity
91	Emails exchanged January 21-22, 2018.	Lack of foundation; Hearsay; Authenticity
92	Emails exchanged January 22, 2018.	Lack of foundation; Hearsay; Authenticity
93	Emails exchanged January 22, 23, 24, 2018.	Lack of foundation; Hearsay; Authenticity
94	Emails exchanged January 25, 2018.	Lack of foundation; Hearsay; Authenticity
95	Written letter/document from Kara LaGrassa to Ms. Carr dated January 30, 2018.	Lack of foundation; Hearsay; Authenticity
96	Emails exchanged February 1, 2018.	Lack of foundation; Hearsay; Authenticity
97	Email from Loy to Carr and Kuzdzal dated February 12, 2018.	Lack of foundation; Hearsay; Authenticity
98	Emails exchanged February 14, 2018.	Lack of foundation; Hearsay; Authenticity

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
99	Emails exchanged February 14, 2018.	Lack of foundation; Hearsay; Authenticity
100	Email from Loy to upper school staff dated February 20, 2018.	Lack of foundation; Hearsay; Authenticity
101	Emails exchanged February 20, 2018.	Lack of foundation; Hearsay; Authenticity
102	Emails exchanged February 21, 2018.	Lack of foundation; Hearsay; Authenticity
103	Emails exchanged February 21, 2018.	Lack of foundation; Hearsay; Authenticity
104	Email from Loy to Carr and Kuzdzal dated February 21, 2018.	Lack of foundation; Hearsay; Authenticity
105	“Documentation 2/21/18 3:15 p.m.” from teacher witness submitted to Ms. Carr.	Lack of foundation; Hearsay; Authenticity
106	Email from Bournigal to Carr dated February 22, 2018.	Lack of foundation; Hearsay; Authenticity
107	Email exchange dated February 22, 2018.	Lack of foundation; Hearsay; Authenticity
108	Letter from Bournigal to Ms. Carr dated February 23, 2018.	Lack of foundation; Hearsay; Authenticity
109	Emails exchanged February 21, 2018.	No objection
110	Email from Kuzdzal to Carr dated February 22, 2018.	Lack of foundation; Hearsay; Authenticity
111	Photographs of Loy’s classroom after move-out.	Lack of foundation; Authenticity; Document illegible due to pixilation
112	Photographs of Loy’s classroom after move-out.	Lack of foundation; Authenticity; Document illegible due to pixilation
113	October 25, 2016 classroom observation form.	Hearsay; Illegible; Not produced during the discovery period
114	March 10 classroom observation form.	Hearsay; Illegible; Not produced during the discovery period
115	October 26 classroom observation form.	Hearsay; Illegible; Not produced during the discovery period
116	May 3, 2017 classroom observation form.	Hearsay; Illegible; Not produced during the discovery period

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
117	October 30, 2017 classroom observation form.	Hearsay; Illegible; Not produced during the discovery period
118	Photograph - Loy 000122.	No objection
119	Excerpts from St. Agnes School yearbook.	Hearsay; Not produced during the discovery period
120	Email communications dated January 18, 21, 2019 - Loy 000296.	Hearsay; Relevancy
121	Email exchange February 3, 2012.	Lack of foundation; Hearsay; Authenticity; Relevancy
122	Email from Loy to Carr and Kuzdzal, March 16, 2012.	Lack of foundation; Hearsay; Authenticity; Relevancy
123	March 12, 2012 email with attachments from Loy to Carr and Kuzdzal.	Lack of foundation; Hearsay; Authenticity; Relevancy
124	Email from Sara James to Carr, March 16, 2012.	Lack of foundation; Hearsay; Authenticity; Relevancy
125	Email exchange September 13, 2012 and Carr's handwritten notes	Lack of foundation; Hearsay; Authenticity; Relevancy
126	Email from Sara James to Carr, November 13, 2012.	Lack of foundation; Hearsay; Authenticity; Relevancy
127	Email from Loy to Carr, March 14, 2013.	Lack of foundation; Hearsay; Authenticity; Relevancy
128	Email from Sara James to Carr, January 26, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
129	Email exchanges February 25-26, 2014.	Lack of foundation; Hearsay;

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
		Authenticity; Relevancy
130	Email exchanges April 2-4, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
131	Document provided to Carr re: Loy's unprofessional behavior 2013-2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
132	Emails exchanged September 5-6, 2013.	Lack of foundation; Hearsay; Authenticity; Relevancy
133	Email from Loy to Carr, Kuzdal and Mrs. Conlin, September 11, 2013.	Lack of foundation; Hearsay; Authenticity; Relevancy
134	Emails exchanged November 7-8, 2012.	Lack of foundation; Hearsay; Authenticity; Relevancy
135	Emails exchanged September 23, 2013.	Lack of foundation; Hearsay; Authenticity; Relevancy
136	Emails exchanged October 6-7, 2013.	Lack of foundation; Hearsay; Authenticity; Relevancy
137	Emails exchanged October 25, 28, 2013.	Lack of foundation; Hearsay; Authenticity; Relevancy
138	Emails exchanged November 21, 25, 2013.	Lack of foundation; Hearsay; Authenticity; Relevancy
139	Email from Loy to Carr, January 24, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
140	Email from Loy to Carr, January 26, 2014.	Lack of foundation; Hearsay;

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
		Authenticity; Relevancy
141	Email from Loy to Carr and Kuzdzal, February 12, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
142	Email from Loy to multiple individuals, February 27, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
143	Emails exchanged February 27-28, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
144	Emails and postings, September 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
145	Email from Loy to Carr and Kuzdzal, November 13, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
146	Email from Loy to Carr, November 14, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
147	Email from Loy to Carr, November 14, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
148	Emails exchanged December 2, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
149	Emails exchanged December 15, 2014.	Lack of foundation; Hearsay; Authenticity; Relevancy
150	Emails exchanged February 18, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
151	Email from Loy to staff, February 27, 2015.	Lack of foundation; Hearsay;

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
		Authenticity; Relevancy
152	Emails exchanged March 12, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
153	Email from Loy to all staff, March 19, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
154	Emails exchanged March 20, 22, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
155	Emails exchanged May 7, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
156	Emails exchanged August 18, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
157	Emails exchanged August 27, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
158	Emails exchanged September 9, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
159	Emails exchanged September 16-17, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
160	Emails exchanged September 16-17, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
161	Emails exchanged September 17, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
162	Emails exchanged September 22-24, 2015.	Lack of foundation; Hearsay;

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
		Authenticity; Relevancy
163	Emails exchanged September 26, 28, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
164	Emails exchanged October 2, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
165	Emails exchanged November 12, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
166	Email from Loy to Carr, November 18, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
167	Email from Loy to Carr, December 3, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
168	Email from Loy to staff, December 4, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
169	Emails exchanged December 7, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
170	Emails exchanged December 18, 2015.	Lack of foundation; Hearsay; Authenticity; Relevancy
171	Emails exchanged January 11, 12, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
172	Emails exchanged January 14, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
173	Emails exchanged January 27, 2016.	Lack of foundation; Hearsay;

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
		Authenticity; Relevancy
174	Emails exchanged February 8, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
175	Email from Loy to staff, February 11, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
176	Emails exchanged March 23, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
177	Emails exchanged April 1, 2, 3, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
178	Emails exchanged April 7, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
179	Emails exchanged April 7-8, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
180	Emails exchanged April 27-28, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
181	Email from Loy to Carr, June 6, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
182	Emails exchanged June 7, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
183	Emails exchanged June 8, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
184	Email from Loy to Carr and Kuzdzal, June 17, 2016.	Lack of foundation; Hearsay;

<u>Exhibit No.</u>	<u>Description</u>	<u>Objection</u>
		Authenticity; Relevancy
185	Emails exchanged September 12, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
186	Emails and/or postings dated November 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
187	Emails exchanged December 1-2, 2016.	Lack of foundation; Hearsay; Authenticity; Relevancy
188	“provider’s records or notes”	Defendants have failed to identify any specific document intended to be used as an exhibit

WITNESSES

Plaintiff Douglas Loy, through counsel, hereby submits the following objection to Defendant's Proposed Witnesses.

1. Plaintiff objects to any witnesses who were not properly identified in accordance with the discovery rules and/or the court's Scheduling Order which may include any of the following: Kristin Filpi, Father Tom Ferguson, Michelle McGrath, Sophia Dewchter, Sean SullivanAmanda Fallon, Cathleen Ueland, Joan Biehler, Dave Gallina, Mark and/or Suzanne Fleming, Gia Enderele, Rita and/or Guy Enderele, Edwidge Badey, and Laure-Ann Badey.

2. Plaintiff objects to any witnesses whose addresses and/or telephone numbers were never furnished to Plaintiff, including: Kristin Filpi, Father Tom Ferguson, Michelle McGrath, Sophia Dewchter, Sean Sullivan, Amanda Fallon, Cathleen Ueland, Joan Biehler, Dave Gallina,

Mark and/or Suzanne Fleming, Gia Enderele, Rita and/or Guy Enderele, Edwidge Badey, and Laure-Ann Badey.

Dated: July 8, 2019

Respectfully submitted,

/s/ Jeremy Greenberg
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 8, 2019, a true and accurate copy of the foregoing was electronically filed with the Clerk's Office served using this court's CM/ECF system, which will then serve a notice of electronic filing (NEF) on the judge and the following:

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